

aching back, stiffness in back and lower limbs, frequent rising at night, spots before the eyes, swelling of ankles, feet, and lower limbs, puffs or dark circles underneath the eyes, atonic constipation, spastic constipation, and pains in the arms, shoulders, fingers, hands, back, wrists, hips, knees, calves, thighs, feet, ankles, and neck, which were the conditions for which the article was intended. The article was misbranded in the above respect when introduced into and while in interstate commerce.

Further misbranding Section 502 (a), the labeling of the portion of the product at Columbus, Ga., namely, a clipping which was from a local newspaper and which accompanied the article, was false and misleading. The labeling contained statements which represented and suggested that the article was an effective treatment for the conditions referred to above. The article was not effective for such purposes. The article was misbranded in this respect while held for sale after shipment in interstate commerce.

DISPOSITION: Between May 15 and August 22, 1952. Default decrees of condemnation and destruction.

3784. Misbranding of herb preparations. U. S. v. 29 Bottles, etc. (F. D. C. No. 33201. Sample Nos. 8970-L to 8975-L, incl.)

LIBEL FILED: On or about April 29, 1952, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about November 24, 1950, and February 26, April 24, May 25, and June 13, 1951, by the Indiana Botanic Gardens, from Hammond, Ind.

PRODUCT: 29 bottles of *Old Chief's prostate treatment*, 13 bottles of *Old Chief's nerve special*, 26 cartons of *Old Chief's Indian gall bladder herb tea*, 10 cartons of *Old Chief's Indian high blood pressure herb tea*, 6 cartons of *Old Chief's Indian reducing obesity herbs*, and 10 packages of *Old Chief's Indian laxative herb tea* at Detroit, Mich., in possession of the Old Chief Medicine Co.

RESULTS OF INVESTIGATION: The products were shipped in bulk and were repackaged and relabeled by the consignee.

LABEL, IN PART: (Bottles) "The Old Chief's Prostate Treatment * * * Active Ingredients: An Infusion of Palmetto Berries, Damiana, Juniper Berries, Bearberry Leaves, Corn Silk, Althea. Contents: 16 fl. ounces" and "The Old Chief's Nerve Special Active Ingredients: Valerian Root, Lady Slipper, Black Cohosh, Skunk Cabbage, Catnip, Hops, Black Haw, Alcohol 10 percent."

(Cartons) "Old Chief's Indian Gall Bladder Herb Tea * * * Active Ingredients: Wallwort, Flaxseed, Boneset, Buckthorn, Marshmallow. Contents: 8 Oz. Adv.," "Old Chief's Indian High Blood Pressure Herb Tea * * * Active Ingredients: Mistletoe, Marshmallow, Sassafras, Licorice. Contents: 8 Oz. Adv.," "Old Chief's Indian Reducing Obesity Herbs * * * Active Ingredients: Sassafras, Elder Flowers, Rosemary, Chickweed, Horsetail Grass, Poke Root, Yerba Santa, Juniper, and Licorice," and "Old Chief's Indian Laxative Herb Tea * * * Active Ingredients: Buckthorn, Licorice, Senna Sagrada, Senna Tinneville, and Cascara Alexandria. Contents: 7 Oz., Adv."

NATURE OF CHARGE: Misbranding, Section 502 (a), the following statements on the labels of the articles were false and misleading since the articles were not effective for the purposes and conditions stated and implied and since frequent or continued use of *Old Chief's Indian laxative herb tea* was capable of establishing dependence upon laxatives to move the bowels: (29-bottle lot) "Prostate Treatment This preparation * * * used for Prostate weakness. Increases the functional activity"; (13-bottle lot) "Nerve Special"; (26-carton

lot) "Gall Bladder Herb Tea * * * It has restored health to thousands * * * The Way To Health * * * effectiveness in giving relief and in remedying ailments * * * They are of great benefit in the ailments for which they are recommended. They are reliable * * *"; (10-carton lot) "High Blood Pressure Herb Tea * * * It has restored health to thousands * * * The Way To Health * * * effectiveness in giving relief and in remedying ailments. * * * They are of great benefit in the ailments for which they are recommended. They are reliable * * *"; (6-carton lot) "Reducing Obesity Herbs * * * It has proven valuable to thousands. * * * This is a saline * * * very effective in correcting overweight. * * * The Way to Health * * *"; and (10-package lot) "The herbs used in this combination * * * have no habit forming effects. It has restored health to thousands. * * * used for chronic constipation of long standing conditions. * * * The Way To Health * * * effectiveness in giving relief and in remedying ailments * * *."

Further misbranding, Section 502 (f) (2), the labeling of the *Old Chief's Indian laxative herb tea* failed to bear adequate warnings against use in those pathological conditions where its use may be dangerous to health, or against unsafe duration of administration, in such manner and form, as are necessary for the protection of users, since it failed to bear a warning to the effect that the article should not be taken in case of acute abdominal pains, nausea, vomiting, or other symptoms of appendicitis, and that frequent or continued use of the article may result in dependence upon laxatives to move the bowels.

The articles were misbranded in the above respects while held for sale after shipment in interstate commerce.

Further misbranding, Section 502 (f) (1), the labeling of the articles other than the *Old Chief's Indian laxative herb tea* failed to bear adequate directions for use since it failed to state the purposes for which the articles were to be taken. These articles were misbranded in this respect when introduced into and while in interstate commerce.

DISPOSITION: June 5, 1952. Default decree of condemnation and destruction.

DRUGS ACTIONABLE BECAUSE OF DEVIATION FROM OFFICIAL OR OWN STANDARDS*

3785. Adulteration and misbranding of cortisone acetate tablets. U. S. v. Albert Feldman (Calvert Chemists). Plea of nolo contendere. Issue raised as to matters which the court could consider in imposing sentence. Court ruled willfulness or intentional wrongdoing not alleged in the information cannot be considered by court in imposing sentence on plea of nolo contendere. Defendant fined \$500, given suspended sentence of one year in prison, and placed on probation for one year. (F. D. C. No. 31261. Sample Nos. 2962-L, 2963-L, 2966-L to 2968-L, incl., et al.)

INFORMATION FILED: December 27, 1951, District of Columbia, against Albert Feldman, trading as Calvert Chemists, Washington, D. C.

ALLEGED VIOLATION: On or about March 15, 17, 19, and 24, 1951, in response to prescriptions surrendered to the defendant for filling, calling for a number of compound tablets containing 25 milligrams of cortisone acetate, the defendant dispensed a number of tablets of a drug containing ascorbic acid, and by

*See also No. 3781.